

§ 24201. Efficient environmental reviews**(a) EFFICIENT ENVIRONMENTAL REVIEWS.—**

(1) **IN GENERAL.**—The Secretary of Transportation shall apply the project development procedures, to the greatest extent feasible, described in section 139 of title 23 to any railroad project that requires the approval of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) **REGULATIONS AND PROCEDURES.**—In carrying out paragraph (1), the Secretary shall incorporate into agency regulations and procedures pertaining to railroad projects described in paragraph (1) aspects of such project development procedures, or portions thereof, determined appropriate by the Secretary in a manner consistent with this section, that increase the efficiency of the review of railroad projects.

(3) **DISCRETION.**—The Secretary may choose not to incorporate into agency regulations and procedures pertaining to railroad projects described in paragraph (1) such project development procedures that could only feasibly apply to highway projects, public transportation capital projects, and multimodal projects.

(4) **APPLICABILITY.**—Subsection (l) of section 139 of title 23 shall apply to railroad projects described in paragraph (1), except that the limitation on claims of 150 days shall be 2 years.

(b) ADDITIONAL CATEGORICAL EXCLUSIONS.—Not later than 6 months after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary shall—

(1) survey the use by the Federal Railroad Administration of categorical exclusions in transportation projects since 2005; and

(2) publish in the Federal Register for notice and public comment a review of the survey that includes a description of—

(A) the types of actions categorically excluded; and

(B) any actions the Secretary is considering for new categorical exclusions, including those that would conform to those of other modal administrations.

(c) NEW CATEGORICAL EXCLUSIONS.—Not later than 1 year after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary shall publish a notice of proposed rulemaking to propose new and existing categorical exclusions for railroad projects that require the approval of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including those identified under subsection (b), and develop a process for considering new categorical exclusions to the extent that the categorical exclusions meet the criteria for a categorical exclusion under section 1508.4 of title 40, Code of Federal Regulations.

(d) TRANSPARENCY.—The Secretary shall maintain and make publicly available, including on the Internet, a database that identifies project-specific information on the use of a categorical exclusion on any railroad project carried out under this title.

(e) PROTECTIONS FOR EXISTING AGREEMENTS AND NEPA.—Nothing in subtitle E of the Pas-

senger Rail Reform and Investment Act of 2015, or any amendment made by such subtitle, shall affect any existing environmental review process, program, agreement, or funding arrangement approved by the Secretary under title 49, as that title was in effect on the day preceding the date of enactment of such subtitle.

(Added Pub. L. 114-94, div. A, title XI, §11503(a), Dec. 4, 2015, 129 Stat. 1691.)

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsecs. (a)(1) and (c), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

The date of enactment of the Passenger Rail Reform and Investment Act of 2015, referred to in subsecs. (b) and (c), is the date of enactment of title XI of div. A of Pub. L. 114-94, which was approved Dec. 4, 2015.

Subtitle E of the Passenger Rail Reform and Investment Act of 2015, referred to in subsec. (e), is subtitle E (§§11501-11504) of title XI of div. A of Pub. L. 114-94, known as the Track, Railroad, and Infrastructure Network Act and also as the TRAIN Act, which enacted this section and section 24202 of this title, amended section 303 of this title and section 138 of Title 23, Highways, and enacted provisions set out as a note under section 4370m of Title 42, The Public Health and Welfare. For complete classification of this subtitle to the Code, see Short Title of 2015 Amendment note set out under section 20101 of this title and Tables.

The date of enactment of such subtitle, referred to in subsec. (e), is the date of enactment of subtitle E of title XI of div. A of Pub. L. 114-94, which was approved Dec. 4, 2015.

EFFECTIVE DATE

Section effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as an Effective Date of 2015 Amendment note under section 5313 of Title 5, Government Organization and Employees.

§ 24202. Railroad rights-of-way

(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary shall submit a proposed exemption of railroad rights-of-way from the review under section 306108 of title 54 to the Advisory Council on Historic Preservation for consideration, consistent with the exemption for interstate highways approved on March 10, 2005 (70 Fed. Reg. 11,928).

(b) FINAL EXEMPTION.—Not later than 180 days after the date on which the Secretary submits the proposed exemption under subsection (a) to the Council, the Council shall issue a final exemption of railroad rights-of-way from review under chapter 3061 of title 54 consistent with the exemption for interstate highways approved on March 10, 2005 (70 Fed. Reg. 11,928).

(Added Pub. L. 114-94, div. A, title XI, §11504(a), Dec. 4, 2015, 129 Stat. 1692.)

REFERENCES IN TEXT

The date of enactment of the Passenger Rail Reform and Investment Act of 2015, referred to in subsec. (a), is the date of enactment of title XI of div. A of Pub. L. 114-94, which was approved Dec. 4, 2015.

EFFECTIVE DATE

Section effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as an Effective Date of 2015 Amend-